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LEGISLATIVE SUPPLEMENT

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PART I
HARYANA GOVERNMENT
LAW AND LEGISLATIVE DEPARTMENT

Notification

The 6th September, 2021

No. Leg.20/2021.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 4th September, 2021 and is hereby published for general information:—

HARYANA ACT NO. 20 OF 2021
THE HARYANA PARIVAR PEHCHAN ACT, 2021

AN

ACT

to provide for the assignment of the Parivar Pehchan number as an unique identifier number to each family, linked to information composed of such data fields, as are generally required for the determination of eligibility for, or the provision of, any scheme, service, subsidy or benefit provided or implemented by or on behalf of the State Government or by any Government agency or local authority and for establishment of the Haryana Parivar Pehchan Authority for the purpose and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Haryana Parivar Pehchan Act, 2021.

Short title and
commencement.

(2) It shall come into force on such date or dates, as the State Government may, by notification, appoint; and different dates may be appointed for different provisions of this Act and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. (1) In this Act, unless the context otherwise requires, -

Definitions.

- (a) “authentication” means the process by which the Parivar Pehchan number alongwith related information is submitted to the Family Information Data Repository for its verification or authentication and such Repository verifies the correctness or the lack thereof, through the process specified in section 4, and the expression “authenticated” with its cognate meanings and grammatical variations shall be construed accordingly;
- (b) “Authority” means the Haryana Parivar Pehchan Authority established under section 10;
- (c) “benefit” means any advantage, gift, reward, relief or payment, in cash or kind, provided to an individual or a family by or on behalf of the State Government or any Government agency or local authority and includes such other benefits, as may be notified by the State Government, from time to time;
- (d) “Chief Executive Officer” means the Chief Executive Officer of the Authority appointed under sub-section (1) of section 15;
- (e) “communication” means a message sent on the mobile number of the head of family and an adult member of the family, as the case may be, and if a mobile number is not provided, then by registered post on the address provided alongwith the information under section 3;
- (f) “Deputy Chairperson” means the Deputy Chairperson of the Authority appointed under sub-section (1) of section 12;
- (g) “designated portal” means such web portal of the Authority, as may be notified by the Authority;
- (h) “Executive Committee” means the Executive Committee constituted under section 17;

- (i) “Family Information Data Repository” means a centralised database in one or more locations containing all Parivar Pehchan numbers issued to Parivar Pehchan number holders alongwith the corresponding information related thereto;
- (j) “Fund” means the Fund constituted under section 24 of the Act;
- (k) “Government agency” means any company or organization owned or controlled by the State Government and includes a board or statutory body or authority established by or under any State law;
- (l) “information” in respect of a family, includes information of all members of the family and such data fields for the purposes of determining eligibility for or the provision of any scheme, service, subsidy or benefit provided or implemented by or on behalf of the State Government or any Government agency or local authority;
- (m) “local authority” means a Municipal Corporation, Municipal Council, Municipal Committee, Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be;
- (n) “member” means the members of the Authority including the Chairperson;
- (o) “notification” means a notification published in the Official Gazette and the expression “notified” with its cognate meanings and grammatical variations shall be construed accordingly;
- (p) “Parivar Pehchan number” means the family identification number issued under section 5;
- (q) “Parivar Pehchan number holder” means a family including its members thereof who have been issued a Parivar Pehchan number under this Act;
- (r) “prescribed” means prescribed by the rules made under this Act;
- (s) “regulations” means the regulations made by the Authority under this Act;
- (t) “resident” means an individual or a family who is residing in the territorial limits of the State of Haryana and includes an employee of the State Government, Government agency or local authority who resides outside the State of Haryana or who has been deputed by the State Government, Government agency or local authority outside the State of Haryana;
- (u) “services” means any provision, facility, utility or any other assistance provided or implemented in any form by or on behalf of the State Government or any Government agency or local authority to an individual or a family and includes such other services, as may be notified by the State Government, from time to time;
- (v) “State Government” means the Government of the State of Haryana in the Administrative Department;
- (w) “subsidy” means any form of aid, support, grant, subvention or appropriation in cash or kind to an individual or a family and includes such other subsidies provided, wholly or partly out of the Consolidated Fund of the State of Haryana.

Entitlement to
obtain Parivar
Pehchan number.

3. (1) Every family, being a resident of the State of Haryana shall be entitled to obtain a Parivar Pehchan number by providing, submitting or updating on the designated portal, information comprised of such data fields, as may be notified by the Authority with the prior approval of the State Government, for determining eligibility for or the provision of any scheme, service, subsidy or benefit provided or implemented by or on behalf of the State Government or any Government agency or local authority.

(2) For the purposes of sub-section (1), any adult member of the family may provide, submit or update the information of the family.

4. (1) After the receipt of the information under section 3, the Authority shall verify each data field of the information through physical means in such manner, as may be notified by the Authority or through electronic means by integration or comparison with any data held by or on behalf of the State Government or Government agency or local authority or in case the data is held by or on behalf of the Central Government, with the prior approval of the Central Government. Verification of information.
- (2) On verification of each data field under sub-section (1), the Authority shall tag in the Parivar Pehchan number database, each such data field that is consistent on verification with the information provided, submitted or updated under section 3 as “verified” and such data fields that are inconsistent on verification with the information so provided, submitted or updated under section 3 as “not verified”.
- (3) Each data field that is marked with the tag of “not verified” shall be communicated to the head of the family and the adult member to whom the information relates for correction or further updation or submission of any document issued by any competent authority of State Government or local authority vested with the powers by or under law to issue such document or record, supporting the information provided, submitted or updated by him under section 3.
- (4) The Authority shall proceed to verify, in the manner notified under sub-section (1), the information corrected or further updated or the document submitted under sub-section (3) and shall act as provided in sub-section (2).
5. (1) The Parivar Pehchan number issued to a family shall be unique and shall not be re-assigned to any other family. Parivar Pehchan number.
- (2) The Parivar Pehchan number shall be a random set of alpha-numeric characters following such pattern, as notified by the Authority and shall bear no relation to the attributes of or information provided by the family under section 3.
6. (1) The information provided, updated, submitted or corrected by every family under section 3 alongwith the status of verification or authentication carried out by the Authority under section 4 shall constitute the Family Information Data Repository. Family Information Data Repository.
- (2) The information of a family in the Family Information Data Repository which is verified or authenticated under section 4 may be accepted, subject to such other conditions, as may be specified by the Authority as conclusive proof for the purpose of determining eligibility for or the provision of any scheme, service, subsidy or benefit provided or implemented by or on behalf of the State Government or any Government agency or local authority without any additional documentation or proof.
7. The Authority may, by notification, require the Parivar Pehchan number holders to update or correct the information, from time to time, so as to ensure continued accuracy and reliability of the information in the Family Information Data Repository. Requirement to update or correct information.
8. The State Government, on the recommendation of the Authority, may, by notification, direct that the Parivar Pehchan number with such data fields, as may be specified in the notification and verified in the manner indicated in section 4, as a requirement for determining eligibility for or the provision of any scheme, service, subsidy or benefit provided or implemented by or on behalf of the State Government or any Government agency or local authority: Requirement of Parivar Pehchan number.
- Provided that if the applicant for any scheme, benefit, subsidy or service does not possess the Parivar Pehchan number and is otherwise eligible to receive such scheme, benefit, subsidy or service then the State Government may direct that the data provided by such beneficiary to receive such scheme, subsidy, service or benefit be verified or authenticated by such alternate means, as may be prescribed and such means may, if the State Government so directs, include the payment of an additional fee by such applicant for authentication or verification of the data so provided.

Responsibility of maintaining data of birth, death and marriage.

9. (1) For the purpose of dynamically updating information held in the Family Information Data Repository, the State Government shall, by notification, entrust the Authority with the responsibility of maintaining the data of birth, death and marriage registered under any law for the time being in force in an electronic form and the Authority shall be responsible for establishing and maintaining such data linked to the Parivar Pehchan number.

(2) For the purpose of sub-section (1), the State Government may issue such directions, as it deems fit to the Chief Registrar under the Registration of Births and Deaths Act, 1969 (Central Act 18 of 1969) and to the Chief Registrar under the Haryana Compulsory Registration of Marriages Act, 2008 (6 of 2008).

Establishment of Haryana Parivar Pehchan Authority.

10. (1) The State Government shall, by notification and with effect from such date, as may be specified in the notification, establish, for the purposes of this Act, an Authority to be called the Haryana Parivar Pehchan Authority.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power subject to the provisions of this Act, to acquire, hold and dispose off property, both movable and immovable and to contract and shall, by the said name sue or be sued.

(3) The Authority shall have its headquarters at such place, as the State Government may notify.

(4) The Authority may establish its offices at other places in the State of Haryana, with the prior approval of the State Government.

Constitution of Authority.

11. The Authority shall consist of the following members, namely:-

- (a) Chief Minister as Chairperson;
- (b) Deputy Chairperson;
- (c) Chief Secretary to Government, Haryana, ex-officio;
- (d) Additional Chief Secretary or Principal Secretary to Government, Haryana, as the case may be, Revenue and Disaster Management Department, ex-officio;
- (e) Additional Chief Secretary or Principal Secretary to Government, Haryana, as the case may be, Finance Department, ex-officio;
- (f) Additional Chief Secretary or Principal Secretary to Government, Haryana, as the case may be, Citizen Resources Information Department, ex-officio;
- (g) such officers of the State Government, not below the rank of Principal Secretary and not exceeding two, as the State Government may, nominate, from time to time, ex-officio;
- (h) such experts, not exceeding five, as the State Government may, from time to time and on the recommendations of the Authority, nominate from the field of information and communication technology, cyber security, network security, data analytics, data security, data management, data warehousing, privacy or constitutional law, finance and economics;
- (i) Chief Executive Officer, member-secretary.

Qualifications, tenure and terms and conditions of Deputy Chairperson.

12. (1) The Deputy Chairperson shall be appointed by the State Government from amongst persons being distinguished experts in the field of information and communication technology with special knowledge or experience in information technology and management, big data analytics, cyber security, new technology areas in the field of information and communication technology with atleast twenty-five years of demonstrated experience in industry or government having headed an organisation as its Chief Executive or Chief Information Technology Officer or its equivalent.

(2) The Deputy Chairperson shall hold office for a period of three years from the date he assumes office and shall be eligible for re-appointment for one more term.

(3) The Deputy Chairperson may resign from his office, in writing, under his hand to the State Government, after giving a notice of not less than thirty days.

(4) The remuneration and allowances payable to and the other terms and conditions of service of the Deputy Chairperson shall be such, as may be prescribed.

- 13.** (1) The members other than ex-officio members shall receive such allowances for attending the meetings of the Authority, as may be prescribed. Allowances to members.
- (2) Where a person becomes or is nominated as a member of the Authority by virtue of holding an office, he shall cease to be a member of the Authority as soon as he ceases to hold such office.
- (3) A member, other than an ex-officio member, may, at any time, in writing, under his hand addressed to the Chairperson, resign.
- 14.** (1) The Authority shall meet at such time and place and subject to the provisions of sub-sections (2) and (3), observe such rules of procedure for conduct of meeting and transaction of business, as may be prescribed. Meetings of Authority.
- (2) The Chairperson or if for any reason, he is unable to attend the meeting, by any reason whatsoever, the Deputy Chairperson shall preside over the meeting.
- (3) All questions at a meeting shall be decided by a majority of votes of the members present and voting, and in case of equality of votes, the Chairperson or the member presiding, as the case may be, shall have a second or casting vote.
- (4) The Chief Executive Officer shall maintain records of the meetings of the Authority in such manner, as may be prescribed.
- 15.** (1) The State Government shall appoint an officer not below the rank or equivalent to the rank of Secretary to Government, Haryana as the Chief Executive Officer. Appointment, terms and conditions of Chief Executive Officer.
- (2) The Chief Executive Officer shall receive such salary and allowances alongwith such other facilities, as may be, determined by the State Government, from time to time, out of the Fund of the Authority.
- (3) Whenever the Chief Executive Officer is on leave or is unable to discharge his duties for whatsoever reason, the State Government may authorise any other officer to perform the duties and functions of the Chief Executive Officer till the Chief Executive Officer join his duties.
- 16.** (1) The Authority may appoint such other officers and employees of the Authority in such manner and with such qualifications, as may be prescribed. Officers and other staff of Authority.
- (2) The salaries and allowances payable to and the other terms and conditions of service of officers and other employees of the Authority shall be such, as may be prescribed.
- (3) The Chief Executive Officer may appoint in such manner, for such temporary period and on such terms and conditions, as may be specified by regulations, such other staff, as he may consider necessary for the efficient performance of the functions of the Authority.
- 17.** (1) There shall be an Executive Committee consisting of the following members, namely:- Constitution of Executive Committee.
- (a) Deputy Chairperson;
 - (b) Additional Chief Secretary or Principal Secretary to Government, Haryana, as the case may be, Citizen Resources Information Department, ex-officio;
 - (c) not more than two experts, amongst those nominated under clause (h) of section 11;
 - (d) Chief Executive Officer.
- (2) All decisions of the Executive Committee shall have the same effect as if taken by the Authority under this Act.
- (3) Every decision of the Executive Committee shall be placed before the Authority and the Authority shall have the power to modify, amend or rescind such decision and shall thereafter have effect only in such modified form or be of no effect, as the case may be, however, any such modification or annulment shall be without prejudice to the validity of anything previously done.

Delegation of powers.	<p>18. The Authority may delegate any of its powers to an Executive Committee, except the power,—</p> <p>(a) to approve or amend the budget of the Authority under section 28;</p> <p>(b) to make, amend or repeal any regulation under section 46.</p>
General superintendence, direction and management of affairs of Authority.	<p>19. (1) Subject to the other provisions of this Act and rules made thereunder, the general superintendence, direction, management and administrative control over the affairs of the Authority shall vest in the Chief Executive Officer.</p> <p>(2) The Chief Executive Officer may, by a general or special order in writing, delegate such of his powers subject to such terms and conditions, as he may determine, upon any officer of the Authority:</p> <p>Provided that each such order of delegation and the terms and conditions of such delegation shall be placed before the Authority.</p>
Power to engage experts and professionals.	<p>20. The Chief Executive Officer may engage such consultants, advisors or technology professionals, as may be required for efficient discharge of its powers and functions under this Act, on such allowances or remuneration and on such terms and conditions, as may be specified by regulations.</p>
Vacancies etc., not to invalidate proceedings.	<p>21. No act or proceeding of the Authority shall be invalid merely by reason of—</p> <p>(a) any vacancy in or any defect in the constitution of the Authority;</p> <p>(b) any defect in the appointment of a person as Deputy Chairperson or member; or</p> <p>(c) any irregularity in the procedure of the Authority not affecting the merits of the case.</p>
Avoidance of conflict of interest.	<p>22. A member of the Authority having any direct or indirect interest, whether pecuniary or otherwise, in any matter coming up for consideration at a meeting of the Authority, shall disclose the nature of his interest at such meeting and shall not take any part in any deliberation or decision of the Authority with respect to that matter.</p>
Powers and functions of Authority.	<p>23. (1) The Authority shall develop the policy, procedure, technology and systems for generating and issuing Parivar Pehchan number to families.</p> <p>(2) The Authority shall have the power to collect, update, manage and maintain information of the family and its members in the form of specified data fields and develop and implement mechanisms, processes and systems for authenticating or verifying such information.</p> <p>(3) Where a notification under section 8 is issued by the State Government, the Authority shall have the power to direct the Government department concerned or Government agency or local authority to define procedures, technology and data standards to enable the integration of the database maintained and held by the Authority with that of the department or agency of the State Government providing such benefit, subsidy, scheme or service.</p> <p>(4) The Authority shall provide authentication or verification to any Government department or Government agency or local authority in respect of the information collected or held by it for the purpose of any benefit, subsidy, scheme or service and levy such fee, as may be prescribed.</p> <p>(5) The Authority shall have the power to specify the manner, data standards, technology systems and related processes for use of Parivar Pehchan number and the information contained in the Family Information Data Repository for the purpose of determining eligibility for or the provision of any scheme, service, subsidy or benefit provided or implemented by or on behalf of the State Government or any Government agency or local authority and other purposes for which the Parivar Pehchan number may be used.</p> <p>(6) The Authority shall be required to prepare, develop and maintain the policy for data security, information security, technology safeguards and network security protocols and standards in relation to the Family Information Data Repository held by it.</p> <p>(7) The Authority shall ensure integration and updation of the Family Information Data Repository with data on births, deaths and marriages maintained by the competent authorities under the Registration of Births and Deaths Act, 1969 (Central Act 18 of 1969) and the Haryana Compulsory Registration of Marriages Act, 2008 (6 of 2008).</p>

(8) The Authority shall, on the direction of the State Government, ensure integration and updation of the Family Information Data Repository with land records maintained by the State Government in the concerned department responsible for maintaining such land records and property records maintained by any local authority.

(9) The Authority shall support the State Government or local authority by providing data analytics in relation to the information held by it so as to enable the State Government or local authority to formulate and implement policies, schemes, services, benefits or subsidies for the welfare of the people of the State of Haryana.

(10) Without prejudice to the powers and functions enumerated in the foregoing sub-sections of this section, the powers and functions of the Authority, inter alia, include –s

- (a) specifying, with the prior approval of the State Government, information required to be maintained in the Family Information Data Repository;
- (b) collecting information from any family seeking a Parivar Pehchan number;
- (c) generating and assigning Parivar Pehchan number to families;
- (d) performing verification and authentication of information in the Family Information Data Repository;
- (e) maintaining and updating the information in the Family Information Data Repository;
- (f) deactivating the Parivar Pehchan number and information relating thereto in such cases and in such manner, as may be specified by regulations;
- (g) specifying the manner of use of Parivar Pehchan numbers for the purposes of determining eligibility for or the provision of any scheme, service, subsidy or benefit provided or implemented by or on behalf of the State Government or any Government agency or local authority and other purposes for which Parivar Pehchan numbers may be used;
- (h) establishing, operating and maintaining the Family Information Data Repository;
- (i) sharing the information of Parivar Pehchan number holders and information contained in the Family Information Data Repository for the purposes of determining eligibility for or the provision of any scheme, service, subsidy or benefit provided or implemented by or on behalf of the State Government or any Government agency or local authority, subject to the provisions of this Act, rules and regulations made thereunder;
- (j) specifying by regulations, processes relating to data management, data security, information security, security protocols and other technology safeguards under this Act;
- (k) specifying by regulations, the conditions and procedures for issuance of new Parivar Pehchan number to existing Parivar Pehchan number holder;
- (l) appointing such committees, as may be necessary to assist the Authority in discharge of its functions for the purposes of this Act with the prior approval of the State Government;
- (m) setting up grievance redressal mechanism for redressal of grievances;
- (n) such other powers and functions, as may be prescribed.

(11) The State Government may, by notification, extend the use of the Parivar Pehchan number alongwith verification or authentication of information to schemes wholly funded or services wholly provided by the Central Government on the request of or with the prior approval of such Government.

24. (1) There shall be constituted a Fund to be called the Haryana Parivar Pehchan Authority Fund and there shall be credited thereto- Fund.

- (a) all grants, fees and charges received by the Authority under this Act; and
- (b) all sums received by the Authority from such other sources, as may be decided by the State Government.

- (2) The Fund shall be used for-
- (a) the remuneration and other allowances payable to the Deputy Chairperson and the members, the salary and other allowances payable to the Chief Executive Officer and the administrative expenses including the salaries, allowances and pension payable to or in respect of officers and other employees of the Authority; and
 - (b) the expenses incurred for meeting out the objects and purposes authorised by this Act.
- Annual grants, loans and advances. **25.** The State Government may make to the Authority grants, loans or advances of such sums of money annually, on such terms and conditions, as it may deem fit.
- Power to borrow. **26.** The Authority may, from time to time, borrow money by way of loans, bonds or debentures or other instruments from sources other than the State Government, on such terms and conditions, general or specific, as may be approved by the State Government.
- Power to invest. **27.** The Authority shall have power to invest any portion of its Fund in such investments, as may be determined by the Chief Executive Officer.
- Budget. **28.** (1) The Chief Executive Officer shall submit a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditures of the Authority in such form, as may be prescribed.
- (2) The Authority shall, subject to such modifications and revisions, as it may decide, approve the budget submitted under sub-section (1).
- (3) The budget, as modified or revised by the Authority, shall be forwarded to the State Government alongwith such number of authenticated copies, as may be required by the State Government.
- (4) The Chief Executive Officer shall cause the budget, as modified or revised by the Authority, to be placed on the website of the Authority.
- Accounts and audit. **29.** (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet, in such form, as may be prescribed.
- (2) The accounts of the Authority shall be subject to audit annually by the Accountant General of Haryana and any expenditure incurred in connection with such audit shall be payable by the Authority to the Accountant General of Haryana.
- (3) The Accountant General of Haryana and any person appointed by him in connection with the audit of accounts of the Authority shall have the same rights, privileges and authority in connection with such audit as the Accountant General of Haryana has in connection with the audit of the Government accounts and, in particular, shall have right to demand the production of books, accounts, connected vouchers, other documents and papers and to inspect the office of the Authority.
- (4) The accounts of the Authority as certified by the Accountant General of Haryana or any other person appointed by him in this behalf together with the audit report thereon and an explanatory memorandum on the action so taken or proposed to be taken, shall be forwarded annually to the State Government and the State Government shall cause a copy of the same to be laid before the State Legislature.
- (5) The Chief Executive Officer shall cause the accounts of the Authority together with the audit report and the explanatory memorandum, to be placed on the website of the Authority after the report has been laid before the State Legislature.
- Annual report. **30.** The Chief Executive Officer shall prepare for every year a report of its activities during that year and submit the report to the State Government in such form, as may be prescribed and the State Government shall cause the report to be laid before the State Legislature.

- 31.** (1) The Authority shall ensure the security of data maintained by it. Security and confidentiality of information.
- (2) Subject to the provisions of this Act, the Authority shall ensure confidentiality of data of families maintained by it.
- (3) The Authority shall take all necessary measures to ensure that the data in the possession or control of the Authority, including information stored in the Family Information Data Repository is secured and protected against unauthorised access, use or disclosure and against accidental or intentional destruction, loss or damage.
- (4) Without prejudice to sub-sections (1) and (2), the Authority shall-
- (a) adopt and implement appropriate technical and organisational security measures;
 - (b) ensure that any person appointed or engaged for performing any function of the Authority under this Act or rules or regulations made thereunder follows appropriate technical and organisational security measures;
 - (c) ensure that the agreements or arrangements entered into with any person impose obligations equivalent to those imposed on the Authority under this Act and require such person to act only on instructions from the Authority or powers delegated by or on behalf of the Authority.
- (5) Notwithstanding anything contained in any other State law for the time being in force and save as otherwise provided by or under this Act, no officer or other employee of the Authority shall, whether during his service or thereafter, reveal any data stored in the Family Information Data Repository or authentication record to anyone except for the purposes of planning or evaluation by the State Government or for the purpose of determining eligibility for or the provision of any subsidy, scheme, service or benefit.
- (6) The information collected, verified or authenticated by the Authority in the Family Information Data Repository or created under this Act shall be shared only in such manner, as may be specified by regulations.
- (7) No information of a family collected, verified or authenticated by the Authority in the Family Information Data Repository or created under this Act shall be published, displayed or posted publicly, except for the purposes, as may be specified by regulations.
- 32.** Whoever impersonates or attempts to impersonate another person, whether dead or alive, real or imaginary by providing any false information knowingly, shall be punishable with imprisonment for a term which may extend to three years or with a fine which may extend to fifty thousand rupees or with both. Penalty for impersonation.
- 33.** Whoever, with the intention of causing harm or mischief to a Parivar Pehchan number holder, changes or attempts to change any information of a Parivar Pehchan number holder by impersonating or attempting to impersonate another person, dead or alive, real or imaginary, shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to a fine which may extend to fifty thousand rupees. Penalty for impersonation of Parivar Pehchan number holder by changing information.
- 34.** Whoever, not being authorised to collect information under the provisions of this Act, by words, conduct or demeanour pretends that he is authorised to do so, shall be punishable with imprisonment for a term which may extend to three years and with a fine which may extend to one lakh rupees or, in the case of a company, every person who at the time the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company, with imprisonment for a term which may extend to three years with a fine which may extend to ten lakh rupees or with both. Penalty for impersonation claiming authority to collect information.
- 35.** Whoever, not being authorised by the Authority, intentionally,-
- (a) accesses or secures access to the Family Information Data Repository;
 - (b) downloads, copies or extracts any data from the Family Information Data Repository or stored in any removable storage medium;
 - (c) introduces or causes to be introduced any virus or other computer contaminant in the Family Information Data Repository;
- Penalty for unauthorized access.

- (d) damages or causes to be damaged the data in the Family Information Data Repository;
- (e) disrupts or causes disruption of the access to the Family Information Data Repository;
- (f) denies or causes a denial of access to any person who is authorised to access the Family Information Data Repository;
- (g) reveals any information in contravention of sub-section (5) of section 31, or shares, uses or displays information in contravention of sub-section (7) of section 31 or assists any person in any of the aforementioned acts;
- (h) destroys, deletes or alters any information stored in any removable storage media or in the Family Information Data Repository or diminishes its value or utility or affects it injuriously by any means; or
- (i) steals, conceals, destroys or alters or causes any person to steal, conceal, destroy or alter any computer source code used by the Authority with an intention to cause damage, shall be punishable with imprisonment for a term which may extend to ten years and shall also be liable to a fine which shall not be less than fifty lakh rupees.

Explanation.— For the purposes of this section, the expressions “computer contaminant”, “computer virus” and “damage” shall have the meanings respectively assigned to them in the Explanation to section 43 of the Information Technology Act, 2000 (Central Act 21 of 2000), and the expression “computer source code” shall have the meaning assigned to it in the Explanation to section 65 of the said Act.

Penalty for tampering data.

36. Whoever, not being authorised by the Authority, uses or tampers the data in the Family Information Data Repository or in any removable storage medium with the intent of modifying information or discovering any information thereof, shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to a fine which may extend to ten thousand rupees.

General penalty.

37. Whoever commits an offence under this Act or any rules or regulations made thereunder for which no specific penalty is provided, shall be punishable with imprisonment for a term which may extend to one year or with a fine which may extend to one lakh rupees or in the case of a company, with a fine which may extend to fifty lakh rupees or with both.

Offences by companies.

38. Where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

Penalties not to interfere with other punishments.

39. No penalty imposed under this Act shall prevent the imposition of any other penalty or punishment under any other law for the time being in force.

Cognizance of offences.

40. No court shall take cognizance of any offence punishable under this Act, save on a complaint made by the Authority or any officer or person authorised by it.

Public servants.

41. The Chairperson, Deputy Chairperson, members, officers and other employees of the Authority, while acting or purporting to act in pursuance of any of the provisions of this Act, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

Power of State Government to issue directions.

42. (1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers or performance of its functions under this Act be bound by such directions on questions of policy, as the State Government may give in writing to it, from time to time:

Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section:

Provided further that nothing in this section shall empower the State Government to issue directions pertaining to technical or administrative matters undertaken by the Authority.

(2) The decision of the State Government, whether a question is one of policy or not, shall be final.

Protection of action taken in good faith.

43. No suit, prosecution or other legal proceeding shall lie against the State Government or the Authority for anything which is in good faith done or intended to be done under this Act, rules or regulations made thereunder.

Application of other laws not barred.

44. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

45. (1) The State Government may, by notification, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall, as soon as possible, after it is made or issued, be laid before the State Legislature.

Power to make regulations.

46. (1) The Authority may, by notification, make regulations consistent with this Act for carrying out the purposes of this Act.

(2) Every regulation made under this Act shall, as soon as possible, after it is made or issued, be laid before the State Legislature.

Power to remove difficulties.

47. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing such difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

Savings.

48. Anything done or any action taken under the Haryana Government, Citizen Resources Information Department, notification number 1/30/2020-ICRID, dated the 9th November, 2020, shall be deemed to have been validly done or taken under this Act.

BIMLESH TANWAR,
Administrative Secretary to Government, Haryana,
Law and Legislative Department.